

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RONALD SMOTHERS,

Case No. 1:06-CV-119

Plaintiff,

Hon. Richard Alan Enslen

v.

MICHIGAN DEPARTMENT
OF CORRECTIONS, *et al.*

FINAL JUDGMENT

Defendants. /

In accordance with the Opinion issued on this date;

IT IS HEREBY ORDERED that Plaintiff Ronald Smothers' Objection to the Report and Recommendation (Dkt. No. 77) is **DENIED** and the Report and Recommendation (Dkt. No. 75) is **ADOPTED AND MODIFIED** as explained in the Opinion.

IT IS FURTHER ORDERED that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief may be granted.

IT IS FURTHER ORDERED that the Court certifies an appeal from this action would not be taken in good faith pursuant to 28 U.S.C. § 1915(a)(3).

IT IS FURTHER ORDERED that dismissal of this action will count as a **STRIKE** for purposes of 28 U.S.C. § 1915(g).

DATED in Kalamazoo, MI:
April 27, 2007

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE